

D.C. No. 2:20-cv-00372-RAJ

Gabriella Kertesz
Plaintiff pro se

v.

Attorney General Bob Ferguson both in his individual and official capacity
Defendant

Motion to Trigger the Judgment Bar

FRCP 41(a)(1)(B):

“... if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

A Notice of Dismissal is a powerful **legal authorization** as it allows the Court to **lawfully** dismiss the Plaintiff’s complaint **without** a court order. Naturally, the Court that is **authorized by law** to dismiss a complaint **without** a court order has the legal authority to dismiss the same complaint **with prejudice for any reason at anyone’s request**. A Notice of Dismissal is one mighty powerful legal authorization in a court of law.

Court records shall testify that the Plaintiff filed a Notice of Dismissal for her complaint (Kertesz v. Ferguson) on 9/9/2022:

- Case number: D.C. No. 2:22-cv-01228-RAJ
<https://www.courtlistener.com/docket/64942778/kertesz-v-ferguson/>

The Notice of Dismissal filed on 9/9/2022 authorizes **any** federal Judge to dismiss the Plaintiff's complaint (Kertesz v. Ferguson) with prejudice *for any reason at anyone's request*. If a federal Judge dismissed the Plaintiff's complaint with prejudice *for any reason at the Defendant's request*, the Plaintiff's Notice of Dismissal would operate as an adjudication on the merits.

Turns out, a federal Judge did dismiss the Plaintiff's complaint with prejudice at the Defendant's insistence/request:

- Case number: D.C. No. 2:20-cv-00372-RAJ
<https://www.courtlistener.com/docket/16972228/kertesz-v-ferguson/>
Case filed on: 3/9/2020
Dismissal granted by the Court on: 6/18/2020

As **the Court** of the United States dismissed the Plaintiff's complaint/lawsuit with prejudice at the insistence/request of **both** parties, the Plaintiff's claim is adjudicated on the merits in the eyes of the law.

For the judgment bar to trigger, a lawsuit must be adjudicated on the merits. The Plaintiff sincerely believes that her lawsuit has been adjudicated on the merits.

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing

law or by a non frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/30/2023

Signature of Plaintiff: s/Gabriella Kertesz

Printed Name of Plaintiff: Gabriella Kertesz

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